

REMARKS

Entry of the foregoing, and further and favorable reconsideration of the subject application is respectfully requested.

By the present Amendment, the specification has been amended to correct minor and typographical errors, and to refer, at pp. 10 and 13, to issued U.S. Patents rather than to the PCT applications from which those patents claim priority benefit. Claims 45, 49-50, 52-53, 55, 58-66, 69-72, 74-76, and 79 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 46, 47, 77, 78, 80, and 82 have been amended to correct their dependency from canceled to pending claims. Claims 51, 54, 57, and 81 have been rewritten in independent form, including all of the limitations of the relevant base claims and any intervening claims. Claim 67 has been amended to incorporate the limitations of dependent claim 71. New claims 92-94 replace, and substantially duplicate the subject matter of, deleted claims 72 and 74-75. No new matter has been added.

1. Turning now to the Official Action, at page 2 the Examiner notes that "applicant has not filed a certified copy of the second Australian application, PP8997, filed in 1999, as required by 35 U.S.C. 119(b)." Enclosed herewith is a copy of said Australian priority application.

2. Also at page 2 of the Official Action, the Examiner notes that "a new corrected drawing for Figure 4 is required." A new corrected copy is being prepared, and will be filed in a Supplement to the present Reply & Amendment as soon as it is received by Applicants' undersigned representative.

3. At page 2 of the Official Action, the Examiner notes that "incorporation of essentially material in the specification by reference to a foreign application or patent (for example, on page 11), or to a publication is improper."
4. With regard to the incorporation by reference of PCT applications at pp. 10 and 13, the specification has been amended to refer instead to the United States patents that issued from those PCT applications. With regard to the incorporation by reference to Italian patent 1.244.374 at p. 11, a translation of that Italian-language document is being prepared, in order that the relevant portions of the patent may be added to the present specification.
5. At page 3 of the Official Action, the Examiner objects to the specification on the basis that certain U.S. Patents and international patent applications mentioned therein are indicated to be "to the Applicants." The specification has been amended to remove reference to the Applicants at the cited paragraphs.
6. The Examiner notes that the trademark CR39 appears in the application, but is not indicated to be a registered trademark. Accordingly, the specification has been amended to note that "CR39" is a registered trademark.

Claim Objections

7. At page 3 of the Official Action, the Examiner objects to claim 83 on the basis that the word "and" should precede the word "depositing." Without conceding to the

merits of the Examiner's position, but solely in an effort to expedite prosecution, claim 83 has been amended as suggested by the Examiner.

Claim Rejections – 35 USC 112

8. The Examiner has rejected claims 46, 49, 50, 60, 68, 75, and 84 under 35 USC 112, first paragraph, as purportedly failing to comply with the written description requirement. This rejection is respectfully traversed.

9. The Examiner asserts, at page 4 of the Official Action, that the Markush groups recited in the rejected claims are not adequately supported in the specification, allegedly because "zirconium metal is not disclosed or claimed as a layer in the light-absorbing coating in the parent international application, nor is it disclosed in the current specification." Applicants respectfully disagree.

The use of Zr metal, and of nitrides of Zr, is disclosed in the present application, in the claims as filed. Applicants concede that the use of Zr metal, and of nitrides of Zr, is not disclosed in the parent international application (although the use of Zr oxides is disclosed therein). However, the use of Zr metals, and the use of Zr nitrides, is disclosed in Australian priority application PP8997, a certified copy of which accompanies the present Reply (see, e.g., p. 6, line 15 – p. 7, line 1 of PP8997). Accordingly, there can be no doubt that, at the time the present application was filed, the Applicants were in possession of the claimed invention, including those embodiments utilizing Zr. Withdrawal of this rejection is thus respectfully requested.

10. The Examiner has rejected claims 46, 60, 68, 75, and 84 under 35 USC 112, second paragraph, as purportedly indefinite. This rejection is respectfully traversed.

11. The Examiner asserts, at pp. 4-5 of the Official Action, that

The substances Si_3N_4 and AlN are listed as dielectric materials and are also included in the metallic materials because they are metal nitrides of silicon and aluminum. If these substances are always electrically conductive, they should not be included as possible dielectric materials, and if they are never electrically conductive, they should not be included as possible metallic materials. Also, if any other metal nitrides are never electrically conductive, they should not be included as possible metallic materials.

Applicants respectfully disagree. The Examiner points to no basis for requiring a distinction in the present claims between dielectric materials and metallic materials. First, a dielectric material is not “never electrically conductive,” as suggested by the Examiner; as can be seen from the definition of “dielectric” shown in Appendix A, many dielectric materials (i.e., semiconductors) will conduct electricity. Indeed, aluminum nitride is a semiconductor (see Appendix A).; Moreover, as can be seen from the definition of “metal” also shown in Appendix A, “most [but not all] metals are conductors of electricity.” Thus, the classification of AlN and Si_3N_4 as dielectric materials is not incompatible with their listing as metallic materials in the claims.

12. The Examiner has also rejected claims 69-72 under 35 USC 112, second paragraph, as purportedly indefinite. This rejection is respectfully traversed.

13. At page 5 of the Official Action, the Examiner asserts that the limitations “front lens wafer” and “back lens wafer” render claims 69-72 indefinite. Claims 69-72 have been deleted by the present Amendment, thus rendering this rejection moot. Claim 67 has been amended to recite “back lens wafer;” however, Applicants submit that

the reference to “back lens wafer” in claim 67 finds adequate antecedent basis in the claim.

14. At page 5 of the Official Action, the Examiner asserts that the limitations “concave surface” and “convex surface” render claims 69-72 indefinite. Claims 69-72 have been deleted by the present Amendment, thus rendering this rejection moot. Claim 67 has been amended to recite “concave lens surface;” however, Applicants submit that the reference to “concave lens surface” in claim 67 finds adequate antecedent basis in the claim.

15. The Examiner has rejected claims 69-72 and 87-91 under 35 USC 112, second paragraph as purportedly indefinite. This rejection is respectfully traversed.

16. The Examiner asserts, at page 6 of the Official Action, that “[t]he term ‘lens element’ in claims 69-72 and 87-91 is used by the claims to mean ‘lens component’, while the accepted meaning is ‘a single mass of refractive material.’” Applicants respectfully disagree. The Examiner does not explain how the term “lens element” in the claims was determined to mean “lens component,” what the difference is between a lens “component” and a lens “element” in the context of the present claims, or how the use of the term “lens element” in the claims is incompatible with the ordinary meaning of that term as it would be understood by one of ordinary skill in the art. Applicants respectfully submit that one of ordinary skill in the art would understand the meaning of the term “lens element” as it is used in the present claims. Finally, Applicants note that claims 69-72 have been deleted by the present Amendment, thus rendering this rejection moot as it applies to those claims.

Claim Rejections – 35 USC 102

17. Claims 45-50, 52, 53, 55, 58-62, 64, 67-70, 74, 75, 83, 84, and 87-89 are rejected under 35 USC 102(b) as purportedly anticipated by Jacobsson (4,169,655). This rejection is respectfully traversed.

18. Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 45, 49-50, 52, 53, 55, 58-62, 64, 69-70, 74, and 75 have been deleted without prejudice to or disclaimer of the subject matter contained therein, thus rendering this rejection moot as it applies to those claims.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 46-48 have been amended to depend, directly or indirectly, from claim 54, which is not subject to the present rejection.

Accordingly, withdrawal of this rejection as it applies to claims 46-48 is respectfully requested.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claim 67 has been amended to incorporate the limitations of claim 71, which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claim 67, and to claim 68, which depends from claim 67, is respectfully requested.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claim 83 has been amended to incorporate the limitations of claim 54, which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claim 83, and to claims 84 and 87-89, which depend directly or indirectly from claim 83, is respectfully requested.

Claim Rejections – 35 USC 103

19. Claims 56, 73, 76-80, 85, 90, and 91 are rejected under 35 USC 103(a) as purportedly obvious over Jacobsson in view of Tovi (4,934,792). This rejection is respectfully traversed.
20. Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 76 and 79, have been deleted without prejudice to or disclaimer of the subject matter contained therein, thus rendering this rejection moot as it applies to those claims.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Applicants note that Claim 73 depends from amended claim 67, which incorporates the limitations of claim 71 and which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claim 73 is respectfully requested.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 77, 78, and 80 have been amended to depend from claim 81, which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claims 77, 78, and 80 is respectfully requested.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 77, 78, and 80 have been amended to depend from claim 81, which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claims 77, 78, and 80 is respectfully requested.

Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Applicants note that Claims 85, 90, and 91 depend from claim 83, which has been amended to incorporate the limitations of claim 54,

and which is not subject to the present rejection. Accordingly, withdrawal of this rejection as it applies to claims 90 and 91 is respectfully requested.

21. Claims 63 and 65 are rejected under 35 USC 103(a) as purportedly obvious over Jacobsson in view of Farges. This rejection is respectfully traversed. Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claims 63 and 65 have been deleted without prejudice to or disclaimer of the subject matter contained therein, thus rendering this rejection moot.

Claim 66 is rejected under 35 USC 103(a) as purportedly obvious over Jacobsson in view of Ace (4,679,918). This rejection is respectfully traversed. Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claim 66 has been deleted without prejudice to or disclaimer of the subject matter contained therein, thus rendering this rejection moot.

22. Claim 82 is rejected under 35 USC 103(a) as purportedly obvious over Jacobsson in view of Ace (4,679,918). This rejection is respectfully traversed. Without conceding to the merits of the Examiner's arguments, but solely in an effort to expedite prosecution, Claim 82 has been amended to depend from claim 81, which is not subject to the present rejection. Accordingly, withdrawal of this rejection is respectfully requested.

23. Claim 86 is rejected under 35 USC 103(a) as purportedly obvious over Jacobsson in view of Letter et al. (4,217,038). This rejection is respectfully traversed. Without conceding to the merits of the Examiner's arguments, but solely

in an effort to expedite prosecution, Applicants note that claim 86 depends from claim 83, which has been amended to incorporate the limitations of claim 54. Neither claim 54 nor claim 83 are subject to the present rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

24. Applicants gratefully acknowledge the indication by the Examiner, at page 29 of the Official Action, that claims 51, 54, 57, and 81 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.” Accordingly, Claims 51, 54, 57, and 81 have been rewritten in independent form, including all of the limitations of the relevant base claims and any intervening claims.

25. At pp. 29-31 of the Official Action, the Examiner sets forth a statement of reasons for the indication of allowable subject matter. As noted above, Applicants do not concede that the rejected claims do not distinguish over the cited publications. Nor do Applicants concede that the features recited by the Examiner at pp. 30-31 of the Official Action represent the only points of novelty of the claims over the cited publications.

26. Applicants gratefully acknowledge the indication by the Examiner, at page 31 of the Official Action, that claims 71 and 72 would be allowable if rewritten in independent form. By the present Amendment, claim 67, from which claim 71 depended, has been amended to incorporate the limitations of claim 71, and claim 71 has been deleted. New claim 92 is substantially identical to claim 72, rewritten in

independent form; claim 72 has likewise been deleted. Claims 67 and 92 are believed to be allowable for the same reason that claims 71 and 72 were considered allowable.

Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

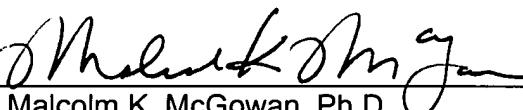
In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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